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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,321	05/14/2001	Tuomo Suntola	ASMMC.013C2	9994
20995	7590	01/11/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			FULLER, ERIC B	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			1762	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,321

Applicant(s)

SUNTOLA ET AL.

Examiner

Eric B Fuller

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Observations/Interpretations***

Claim 17 limits the method to move two reaction space volumes of gas through the reaction space. Claims that depend on this claim limit the method to 3-10 reaction space volumes. This is not within the range that claim 17 is limited to. For examination purposes, it has been assumed, by language of “comprising”, that 17 is open to “at least” two reaction space volumes of gas.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-25 and 32-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa et al. (US 4,975,252) in view of Sakuma et al. (US 5,270,247).

Nishizawa teaches an atomic layer epitaxy process in an ultrahigh vacuum (column 4, lines 15-47). Between reactant pulses, the reaction space is evacuated. The reference is silent to “essentially totally” evacuating the chamber. Although the large pressure changes between the reactant pulses and the evacuating pulses would seem to indicate essentially totally evacuating the

Art Unit: 1762

entire volume of the reaction space, the examiner provides Sakuma for teaching that it is desirable to separate the different gases as completely as possible (column 5, lines 30-35). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to evacuate the chamber essentially totally. By doing so, one would reap the benefits of separating the gases as completely as possible.

Additionally, Sakuma teaches that purge gas allows for more separation between the gases and the amount of purge gas is taught (column 5, lines 30-60). To utilize a purge gas would have been obvious at the time the invention was made to a person having ordinary skill in the art. By doing so, the separation of gases is made even more complete. Since a cause and effect relationship between the amount of purge gas and the degree of separation of reactant gases has been established by Sakuma, to determine the amount of purge gas to use in order to make the separation as complete as possible would have been within the skill of one practicing in the art, through routine experimentation.

Claims 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa et al. (US 4,975,252) in view of Sakuma et al. (US 5,270,247), as applied to claim 17 above, and further in view of Moore, Sr. (US 3,662,583).

Nishizawa, in view of Sakuma, teaches the limitations to claim 17, but is silent to the use of oblong feed pipes. However, Moore teaches that using oblong feed types for feed a process space provides a wider spread of feed gas,

Art Unit: 1762

such that the process space may be reduced. One of skill in the art would recognize that a smaller process space would result in less feed gas and process/evacuation times required. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize oblong feed pipes in the processes of Nishizawa, in view of Sakuma. By doing so, the volume of the process chamber may be reduced, resulting in less feed gas required and smaller process/evacuation times.

Response to Arguments

Applicant argues that the prior art fails to explicitly teach flowing two reaction space volumes through the reaction chamber. This is found convincing. As purge gas is taught to increase the separation between the reactant gases, and it is taught to make the separation essentially complete, it would have been within the skill of one practicing in the art to determine the amount of purge gas to use. By using more purge gas, the separation between the reactant gases is made more complete.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

Art Unit: 1762

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B Fuller whose telephone number is (571) 272-1420. The examiner can normally be reached on Mondays through Thursdays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P Beck, can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 1762



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